

**TOWN OF BIG FLATS  
PLANNING BOARD MINUTES  
JUNE 1, 2010**

*Filed with  
Town Clerk  
June 10, 2010*

TOWN HALL  
MEETING ROOM  
6:30PM

---

Members Present: Lance Muir, Angela Piersimoni, Carl Masler, Jim Ormiston, Scott Esty

Members Absent: Bob Byland, Dave Seely

Staff Present: Steve Polzella, Director of Planning, Brenda Belmonte, Secretary

Guests: Ronald Cobb, Brad Kapral, Jamie Gensel, Keith Gustin

---

Chair Muir called the meeting to order at 6:30pm, noting members Bob Byland and Dave Seely were absent.

MINUTES  
May 4, 2010

**Motion by Esty, seconded by Piersimoni, to approve the minutes of May 4, 2010,**  
**Discussion, None, Motion Carries 5-0.**

Amendment to March 2, 2010 minutes; Resolution P2010-12 – amended to align with the current code.

**Motion by Esty, seconded by Ormiston, to amend Resolution P2010-12 as stated,**  
**Discussion, None, Motion Carries 5-0.**

**RESOLUTION P-2010-22**  
**Welles Site Plan**  
**Tax Parcel 47.00-1-46**  
**Yawger Rd. Extension**

Resolution by: Ormiston  
Seconded by: Masler

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plan to be complete; and

**WHEREAS** this Board granted a RLO permit, Resolution P-2010-12, on March 2, 2010; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2010-11; and

**WHEREAS** the following are finding of fact:

- A. The applicant intends to construct a 2,000 Square foot home with two attached garages 900 sq. ft. and 2,000 sq. ft. respectively
- B. The applicant intends to construct a 1,500 sq. ft. pole barn
- C. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- D. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- E. The Planning Board has determined the proposed project was “not to create a significant visual impact” (RESOLUTION P-2010-12)
- F. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- G. The applicant has sited the principal structure near the north-central portion of the parcel, to be accessed with a long, existing driveway (abandoned Yawger Rd.). The applicant has also shown the proposed location of the septic system, which is to be sited southeast of the principal structure
- H. The Chemung County Department of Health has approved a plan for a 5 bedroom rated septic system on the property
- I. The proposed project, as submitted, is to possess a structure with a maximum height not to exceed 35 ft
- J. The applicant has submitted their application during the winter and spring therefore allowing for the visibility to be measured during a time of limited to no leaves
- K. Earth tone colors will be utilized as shown in the application materials to blend the house into the natural wooded setting.
- L. The applicant has indicated that very little clearing will be done as shown on the site plan.
- M. The applicant has shown, through the site plan, that visual buffers containing existing vegetation will remain
- N. Applicant has included a landscaping plan illustrating the proposed area to be cleared for the house and septic with the remainder to remain wooded.
- O. Proposed project appears to be cutting perhaps slightly more than a ¼ acre total, but it does not appear to be excessive in nature or clear cutting.
- P. Clear cutting restrictions will be followed on the property
- Q. Every effort possible will be made to maintain all of the healthy mature trees when installing the drainage to protect the house
- R. The applicant desires to maintain a wooded environment surrounding the house. Trees within safe distance from the septic system will be preserved

- S. Tree cutting will be limited whenever possible
- T. Light levels at any lot line will not exceed 0.20 foot-candle measured at ground level
- U. All outdoor light sources mounted on poles, buildings or trees will utilize fully shielded cut-off light fixtures approved by the International Dark Sky Association
- V. Parking for the proposed project is proposed north of the house
- W. The proposed project will not protrude above the ridgeline
- X. All utility lines will be underground where possible
- Y. The amount of impervious surface shall not be in excess of 20%; and

**WHEREAS** the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit copies of the Final Site Plan to the Director of Planning; and

**WHEREAS** the following are terms prior to obtaining a building permit:

- A. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- B. A construction entrance shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures; and

**WHEREAS** the following are terms prior to obtaining a final certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings
- C. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- D. The Applicant shall ensure that all Planning Board, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions; and

**WHEREAS** the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Director of Planning
- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board; and

**WHEREAS** the following are terms prior to any site work:

- A. Yellow “Caution” tape or yellow paint must be placed upon any tree to be cut and wooden stakes indicating the location of the primary building footprint shall be placed. The Director of Planning and a Code Enforcement Officer must be contacted to inspect this prior to any cutting and/or clearing on site
- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater from a construction site be permitted to enter roadside ditches; and

**WHEREAS** the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays; and

**NOW THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grants Final Site Plan approval with the following conditions:

- **Stormwater Management** – Applicant shall adhere to the approved Erosion and Sediment Control plan
- **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
- **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a final certificate of occupancy
- **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
- **Construction/Site Prep** – *No action related to this site plan shall occur prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
- **Final Site Plan Endorsement** – All conditions, not related to a building permit or a Certificate of Occupancy, shall be met prior to final site plan endorsement.
- **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment
- Any future structures shall be placed so as to limit their visual impact on the viewshed to the greatest extent possible and in accordance with 17.32.170
- Any future structures shall blend in with the natural surroundings through preferred use of stone and/or natural wood siding and/or color
- Any future development of the site will preserve, to the maximum extent practicable, the existing vegetation

- Planned landscaping shall be preserved and maintained for a minimum of 3 (three) years after said landscaping is planted. This condition is in-place of a bond to ensure landscape survivability
- Future tree cuttings will be limited to less than one-fourth of an acre of contiguous area
- “Full cutoff light fixtures” will be utilized for all future outdoor lighting on said property

**CARRIED:** **AYES:** Esty, Ormiston, Piersimoni, Muir, Masler  
**NAYS:** None

Dated: Tuesday, June 1, 2010  
 BIG FLATS, NEW YORK  
 By order of the Planning Board of the Town of Big Flats  
 Lance Muir  
 Chairman, Planning Board

**RESOLUTION P-2010-23**  
**Kapral Subdivision/Site Plan**  
**Tax Parcel 67.03-3-8.1**  
**Kahler Rd.**

Resolution by: Ormiston  
 Seconded by: Esty

**WHEREAS** this Board has received an application for a 3 lot subdivision and site plan review on March 24, 2010 on an existing lot which contains 2.52 acres; and

**WHEREAS** the proposed action is to be located on Kahler Rd, north of the intersection of CR 64 and Kahler Rd.; and

**WHEREAS** the application included engineered drawings from Fagan Engineers; and

**WHEREAS** this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

**WHEREAS** this Board, as per Town of Big Flats Code 17.32.100, has accept the proposed action as a preliminary plan; and

**WHEREAS** the Chemung County Planning Board returned this action for local determination, pursuant to NYS General Municipal Law § 239-m, including a note to the applicant that Kahler Rd could potentially be relocated in the future and may impact this development; and

**WHEREAS** this Board conducted a Public Hearing on the Preliminary Plat for May 4, 2010; and

**WHEREAS** the Town of Big Flats Department of Planning has provided staff reports dated May 25, 2010, April 27, 2010, March 30, 2010 and January 26, 2010 which have been forwarded to the applicant as the finding of fact through the final review; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2010-15;

**NOW, THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grant final conditional subdivision approval to Kapral Builders, 17 Hickory St., Big Flats, NY 14814 with the following conditions:

- B. The applicant shall submit one (1) Mylar and four (4) full size field survey plats to Director of Planning for final endorsement.
- C. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of final endorsement.
- D. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code.
- E. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land.

**AND FURTHER RESOLVED** the Town of Big Flats Planning Board grant final conditional site plan approval for the development of three two-unit dwellings, a shared private drive, a shared septic system and an extension of the Town of Big Flats water system to serve the development with the following conditions:

- A. The following conditions shall be met prior to final site plan endorsement:
  - 1. The applicant shall submit four (4) full size sets of drawings revised as per the comments of the May 25, 2010 staff report and the comments of the June 1, 2010 planning board meeting.
  - 2. The applicant shall submit a copy of all proposed easements.
  - 3. The applicant shall demonstrate the final subdivision plat has been filed with the Chemung County Clerk.
- B. The following conditions shall be met prior to obtaining a building permit:
  - 1. One (1) complete copy of the endorsed and recorded subdivision plans, One (1) copy of the endorsed final site plan and one (1) copy of the following documents: recorded subdivision approval, septic approval, driveway access permit from the appropriate Public Works agency, and any other documentation required by the Building and Code Department
  - 2. SWPPP Acceptance
  - 3. All proposed silt fence and a construction entrance shall be in place and inspected by the Town of Big Flats Stormwater Officer. The Big Flats Stormwater Officer shall make final determination of appropriate measures.
  - 4. A construction timetable for all improvements shall be provided to the Director of Planning.
- C. The following are general conditions of this approved development plan:
  - 1. The developer shall maintain responsibility for the maintenance of all on site stormwater facilities, the shared septic facility and the private internal drive in perpetuity
  - 2. The private internal drive shall never be converted to a road of public use nor shall any responsibility of maintenance shall ever be placed on the Town of Big Flats.

3. The private internal drive shall be built to Town of Big Flats spec for base, gravel and drainage.
4. The developer shall provide the Town of Big Flats with as-built record drawings, certified by the design engineer, submitted to the Director of Planning or designee for review and approval, that include as-built construction drawings of all required improvements in paper and digital format.
5. The seeding of all disturbed soils shall take place as early in construction as possible. The seeding shall be a type of seed appropriate for the grades indicated on the plan. All disturbed areas where seeding has occurred shall be mulched to prevent erosion.
6. Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earth moving equipment, grading and pouring concrete, shall occur only on Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and not on Town Holidays, all construction equipment shall be equipped with mufflers and utilized in such a manner to reduce, to the maximum extent possible, noise and to maintain air quality. During the course of construction, excessive dust shall be controlled by water spraying or other method approved the Director of Planning or designee. The public roadway, Kahler Rd., shall be kept free of debris and broom cleaned on a daily basis.
7. Modification or deviation from the approved final plan is permitted only with the approval of the Planning Board or in accordance with 17.32.170 of the Town of Big Flats Zoning Law.
8. Failure to comply with any of these conditions shall make the approval null and void, as per 17.32.160(A)(3) of the Town of Big Flats Zoning Law.

**CARRIED:** AYES: Esty, Piersimoni, Muir, Ormiston, Masler  
NAYS: None

Dated: Tuesday, June 1, 2010

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Heman Fowler, of the Big Flats Fire Dept. raised some concerns regarding fire truck access. The proposed island in the center of the drive may hinder access to some of the units.

Gensel presented a diagram showing sufficient room for a standard fire truck to access the site. A ladder truck would be too large whether the island was there or not. Due to these being single story buildings, a ladder truck would not be needed.

**RESOLUTION P-2010-24**  
**Dandy Mini-Mart Site Plan**  
**Tax Parcel 76.00-2-10.112**

Resolution by: Ormiston  
Seconded by: Masler

**WHEREAS** this Board has received an application for site plan review on March 18, 2010; and

**WHEREAS** the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

**WHEREAS** the Town of Big Flats Department of Planning has provided a staff report dated May 25, 2010 which has been forwarded to the applicant as the finding of fact through the final review; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P77-2006;

**WHEREAS** the Chemung County Planning Board returned this action for local determination pursuant to NYS General Municipal Law § 239-m; and

**WHEREAS** the applicant has submitted a traffic study dated April 2006; and

**WHEREAS** the applicant has submitted a highway work permit to the NYSDOT; and

**NOW, THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grant final conditional site plan approval with the following conditions:

- A. **Updated Final Plan** – Applicant shall submit a new set of drawings, updated as per the Town of Big Flats Staff Report dated May 25, 2010, for endorsement before obtaining a building permit. The Applicant shall provide 4 full size prints for endorsement. The Applicant shall also submit a digital copy in TIF format.
- B. **Stormwater Management** – Applicant shall obtain SWPPP acceptance form from the Town of Big Flats Stormwater Officer and all proposed silt fence and a construction entrance shall be in place and inspected by the Town of Big Flats Stormwater Officer prior to obtaining a building permit.
- C. **Floodplain Development Permit** – The applicant shall obtain a floodplain development permit prior to the issuance of a building permit.
- D. **Construction Sequencing** – The applicant shall submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit.
- E. **Access/Utilities** – Applicant shall provide the Director of Planning with a copy of *all* easements (including but not limited to water, sewer and stormwater) in place prior to obtaining a building permit. The developer shall comply with the Rules and Regulations of the Town of Big Flats Water System and the Chemung County Department of Health.
- F. **Signage** – All signage on the property shall comply with Town of Big Flats Municipal Code 17.52 and obtain the appropriate permits from the Town of Big Flats
- G. **Directional Signage** – The Planning Board hereby mandates directional signage to be installed for traffic safety. Mandated directional signs shall not count against the maximum aggregate sign area

- H. **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code and the approved lighting plan
- I. **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity
- J. **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- K. **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- L. **Construction/Site Prep** – *No action related to this site plan shall occur prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
- M. **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment
- N. **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation

**CARRIED:** **AYES:** Esty, Piersimoni, Muir, Ormiston, Masler  
**NAYS:** None

Dated: Tuesday, June 1, 2010

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Ron Cobb, Randy Williams, and Duane Phillips met with staff along with Jimmie Joe Carl to discuss comments from the initial review. A new plan was submitted and Carl is working on a final SWPPP review letter.

Masler asked about the construction schedule.

Cobb said the architectural plans are currently being finished. It may be completed by mid November, however he is not sure.

Polzella noted that a letter has been received from DOT. Upon completion of a few technical adjustments, the highway permit will be issued.

Cobb stated that heavy chain link fencing will be used to keep the public out of the construction zone. One driveway will be kept open for the public, and one will be used for the construction entrance.

CCIDA Sikorsky Extension

This is a request for an extension of the existing site plan approval for CCIDA, Sikorsky. Original approval was July, 2008, endorsed June, 2009. Expiration date is one year from endorsement. CCIDA has requested an extension of two additional years.

Piersimoni asked if new plans would be submitted for any changes.

Polzella said any deviation from the approved plan would require review.

**Motion by Esty to extend the current site plan approval expiration date an additional two years pursuant to 17.32.160(B), seconded by Ormiston, Discussion, None, Motion Carries 5-0.**

#### Costitch Engineering – Candlewood Extension

This is also a request for a two year extension to complete the project.

Ormiston is concerned with traffic and the new business activity on this road. He feels a traffic study update is needed.

Muir said this is a request for an extension. Traffic concerns will be addressed at another time.

Esty agrees with Ormiston, and feels the county should make a plan for Colonial Drive. He feels a long range plan for traffic management is needed in that area.

**Motion by Masler to extend the current site plan approval expiration date an additional two years pursuant to 17.32.160(B), seconded by Piersimoni, Discussion, None, Motion Carries 5-0.**

#### Members Comments

Planning and Zoning Summer School is planned for July 21, 2010, in Binghamton, and July 22, 2010 at SUNY Geneseo. Itinerary should be available in the near future.

Esty stated that the row of trees between Retirement Estates and the Roy gravel mine have died. Who is responsible to replace them?

Polzella will look into it – a reclamation plan for a golf course is currently being worked on.

#### Zoning Amendment

Polzella reviewed the recommended zoning changes as listed in the staff report.

**Motion to adjourn at 8:30pm by Piersimoni, seconded Ormiston, Discussion, None, Motion Carries 5-0.**

Meeting adjourned at 8:31pm